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5                   UNITED STATES DISTRICT COURT  
6                   WESTERN DISTRICT OF WASHINGTON  
7                   AT SEATTLE

8                   INGE T. ANDERSON,

9                   Plaintiff,

NO. C17-0891RSL

10                  v.

11                  SCOTT ALAN ANDERSON,

12                  Defendant.

ORDER GRANTING PLAINTIFF'S  
MOTION FOR PAYMENT  
ARRANGEMENTS

14                  Plaintiff Inge Anderson has filed a Notice of Appeal in the above captioned matter  
15 seeking review of the Court's orders regarding discovery and evidentiary matters, the jury's  
16 verdict and the instructions on which it was based, and the Court's decision regarding specific  
17 performance. Dkt. # 174. Plaintiff seeks transcripts of all court appearances in this matter,  
18 including trial, at government expense. Dkt. # 175-1 and 180.

20                  There are two statutes that inform the Court's consideration of a request that the  
21 government pay for a transcript on appeal. Under 28 U.S.C. § 753(f), a litigant who has been  
22 granted leave to proceed in forma pauperis on appeal will not have to pay for transcripts "if the  
23 trial judge or a circuit judge certifies that the appeal is not frivolous (but presents a substantial  
24 question)." See Henderson v. United States, 734 F.2d 483, 484 (9th Cir. 1984) (production of a  
25 transcript at government expense requires a finding that the "appeal is not frivolous and presents  
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a substantial question.”). Under 28 U.S.C. § 1915(c), the Court can direct the government to pay for transcripts for a litigant proceeding in forma pauperis “if such printing is required by the appellate court.” Thus, in order to obtain transcripts at government expense, plaintiff must show that she is proceeding in forma pauperis on appeal, that her appeal is not frivolous, that the appeal presents a substantial question, and that the requested transcripts are necessary to her efforts to show reversible error.

Although plaintiff has not specified which discovery, evidentiary, and/or legal rulings she intends to contest on appeal, many of the issues involved in this case were reasonably debatable. Having reviewed the record in this matter, the Court finds that (a) plaintiff is currently proceeding in forma pauperis on appeal, (b) the appeal is not frivolous, (c) the appeal presents substantial questions, and (d) the two pretrial hearings held on April 30, 2019, and July 8, 2019, and the entire trial transcript (including arguments regarding jury instructions and the polling of the jury) are relevant to a full understanding of the decisions plaintiff has appealed.

For all of the foregoing reasons, plaintiff's motion for payment arrangements (Dkt. # 180) is GRANTED. The Court hereby directs payment by the United States of the expenses of preparing the transcripts of the proceedings in this matter.

Dated this 12th day of December, 2019.

Mrs Casnik

Robert S. Lasnik  
United States District Judge

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